

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MASTEROBJECTS, INC.,

Plaintiff,

v.

AMAZON.COM INC,

Defendant.

No. C 20-08103 WHA

**ORDER RE SPECIAL MASTER FOR  
DISCOVERY DISPUTES**

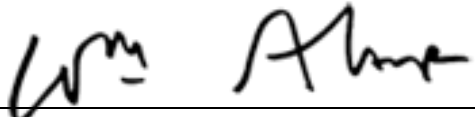
In light of the large number of discovery disputes from both sides propounded to Magistrate Judge Kandis Westmore, the Court proposes the appointment of Harold J. McElhinny to supervise discovery and resolve all discovery disputes, with both sides to split his fee, which he will reduce to \$300 per hour as a service to the Court and the parties, plus expenses. Mr. McElhinny was a premier trial attorney at Morrison & Foerster prior to his retirement a few years ago. He has tried many patent cases. He does not believe he would have a conflict. He advises that in 2019 he was an expert witness in a fee arbitration hired by the insurance carrier for Hosie Rice LLP and he met Spencer Hosie briefly in that assignment.

As per Rule 53, the Court would grant Mr. McElhinny the authority to reallocate his fee, if circumstances warranted, to the more culpable party. And, of course he would have authority to impose costs and attorney's fees to the prevailing side of a dispute according to Rule 37.

1 The Court has no doubt this would speed up the just resolution of discovery disputes in  
2 this matter. All rulings would be final except as to matters of privilege, which could be  
3 “appealed” as per Rule 53.

4 By **NOVEMBER 16, 2021 AT NOON**, the parties shall please state whether they would  
5 accept such terms and assist the Court in drafting the terms of reference. Alternative  
6 candidates may be proposed. If counsel jointly wish, before responding, to have a conference  
7 call with Mr. McElhinny, then they should jointly set it up with him at  
8 haroldmcelhinny@gmail.com.

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10 Dated: November 10, 2021.

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14 WILLIAM ALSUP  
15 UNITED STATES DISTRICT JUDGE  
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